FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.3655 OF 2005

IN

FIRST APPEAL NO.1197 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr S.M.Vidyarthi, for the applicants-Insurance Company.

Ms Gauri Godse, for the respondent-claimant.

CORAM: D.B.BHOSALE,J.

DATED: 12/02/2007

P.C.:

Heard the learned counsel for the parties.

By this application, the applicants have prayed for stay of the impugned award. The appeal is filed by the Insurance company. Principally, they have disputed the quantum of compensation and not the right of the respondent-claimant to get the compensation. An amount of Award with interest, I am informed, of Rs.10,60,770/- has already been deposited in the trial court by the applicants-Insurance company. The respondent-claimant has filed the reply affidavit and prayed for vacating the ad-interim stay. I perused the application

and the reply thereto, filed by the respondent-claimant, as also the impugned Award. Considering the overall facts and circumstances of the case, in my opinion, ends of justice would be met if the respondent-claimant, who admittedly has suffered permanent disability, is allowed to withdraw fifty percent of the amount deposited by the insurance company. Hence, the following order.

The respondent-claimant is allowed to withdraw fifty percent of the amount deposited by the applicants-insurance company without security. Rest of the amount is directed to be invested in fixed deposit in a nationalised Bank, initially for a period of three years. It is needless to express that if the appeal is not disposed of within three years from today, the fixed deposit may be renewed for a further period of three years.

The civil application is disposed of.

(D.B.BHOSALE,J.)